

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

CISCO SYSTEMS INC,  
 Plaintiff,

v.

ARISTA NETWORKS, INC.,  
 Defendant.

Case No. 14-cv-05344-BLF

**MODIFIED ORDER REGARDING  
 DEFENDANT’S SEALING MOTION**

[Re: ECF 379]

This order modifies the Court’s prior order, ECF 488, pursuant to a letter from Third Party Dell, Inc. (“Dell”), directing the Court to a declaration in support of Defendant’s motion to file under seal. ECF 390, 489. For the reasons stated below, the motion is GRANTED IN PART AND DENIED IN PART.

**I. LEGAL STANDARD**

“Historically, courts have recognized a ‘general right to inspect and copy public records and documents, including judicial records and documents.’” *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). Consequently, access to motions and their attachments that are “more than tangentially related to the merits of a case” may be sealed only upon a showing of “compelling reasons” for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101–02 (9th Cir. 2016). Filings that are only tangentially related to the merits may be sealed upon a lesser showing of “good cause.” *Id.* at 1097. In addition, sealing motions filed in this district must be “narrowly tailored to seek sealing only of sealable material.” Civil L.R. 79-5(b). A party moving to seal a document in whole or in part must file a declaration establishing that the identified material is “sealable.” Civ. L.R. 79-5(d)(1)(A). “Reference to a stipulation or protective

order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable.” *Id.*

## II. DISCUSSION

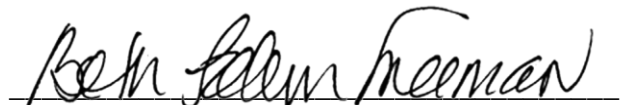
The Court has reviewed the sealing motion and Dell’s declaration in support thereof. The Court finds that Dell has articulated compelling reasons to seal certain portions of the submitted documents. The proposed redactions are also narrowly tailored. The table below sets forth the Court’s rulings on the sealing request directed to only two of the documents. The Court’s prior order, ECF 488, governs the other documents to be sealed not addressed below.

### A. ECF 378, 379

Identification of Documents to be Sealed	Description of Documents	Court’s Order
Declaration of John R. Black Jr. in Support of Defendant Arista Networks, Inc.’s Opposition to Cisco’s Motion for Summary Judgment and Arista’s Summary Judgment Motion (“Black Decl.”) Ex. 1 (“Black Opening Report”)	Dell supports the sealing of a redacted portion of paragraph 298 on page 142. ECF 390-2. The portion contains confidential customer information.	GRANTED as to the redacted portion of paragraph 298 on page 142; <i>see</i> prior order, ECF 488, as to remainder.
Wong Decl. Ex. 5 (Excerpts from Dell Corporate Deposition Transcript)	Dell supports the sealing of redacted portions at line 6 of page 50 and line 12 of page 54. ECF 390-1. The portions contain confidential customer information.	GRANTED as to the redacted portions at line 6 of page 50 and line 12 of page 54 and DENIED as to remainder.

**IT IS SO ORDERED.**

Dated: August 26, 2016

  
 BETH LABSON FREEMAN  
 United States District Judge